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A SPEECH TO THE TALENTED

(By Harry Golden)

So you are the special talent students, eh? The elite? Well, you are in for an interesting life. The most amazing development of which, as thinkers as diverse as Mark Twain and Aristotle observed, is how much more intelligent your father becomes as you grow older.

I congratulate you. I congratulate you on achieving this special class, and I offer you only one bit of advice which may be the essential secret between success and failure: do not take yourself too seriously.

For though you have been designated as specially talented, the category has only a relative significance. Fifty years ago, on the Lower East Side of New York City, immigrant boys and girls who a few years before had been unable to speak a word of English were reading and understanding John Milton in the seventh grade. We had already studied three plays of William Shakespeare and had committed to memory Gray's "Elegy Written in a Country Churchyard." We were neither an elite nor were we especially smart.

The curriculum standards have been lowered over these past five decades. Although you will attend school for more years than the students of 50 years ago, you enjoy a shorter schoolday. More of you will finish high school and college than ever dreamed of it in the America of 50 years ago but alas, only a small portion will ever read "Paradise Lost," as we did in the seventh grade, yet.

I do not tell you this to shame you nor to make you look upon yourself as less than you are. There is nothing to be ashamed of in the fact that standards have been lowered. Over a 100 years ago, a great American educator, Horace Mann, laid down a new principal of education. He decreed that in a democracy the entire population should be educated, or at least exposed to the prospects of an education. Listening to the critics of any educational system in 20th century America should make you always remember that for the first time in the history of the world one society has undertaken to educate the entire mass of population. No one has ever tried this before, let alone succeeded. You are all part of the experiment. Indeed it is a noble experiment, undertaken nowhere else, not even in our sister democracy, England.

It is also necessary that I explain something about the special talents of immigrant boys and girls. Because they couldn't speak English when they debarked on Ellis Island explains a good deal about their reading Milton in the 7th grade. The stranger feels himself inferior. He fears unless he acquires a complete education he will remain forever alien so he goes about learning hammer and tongs, with a great intensity of purpose. This pattern applies not only to America but to every country whose borders have admitted immigrants. The immigrant must make good, and it is this which gives him a special vitality.

Immigrant mothers, mine included, who could not speak a word of English, used to go to the nearest public library and by holding up the fingers of one hand, tell the librarian how many children she had. The librarian issued her the requisite library cards and the immigrant mothers hurried home and handed them with great solemnity saying to each of her children, "Here. Go! Learn! Become an American! Quick."

Once comfortable in an environment, a student will not have habits, religion, or attitudes appreciably different from the habits, religion and attitudes of his neighbor. He relaxes. But he must realize relaxation brings with it great dangers. The compulsions and drives that animate the stranger no longer animate him. The drive toward

becoming a complete man and a complete citizen must come from within and must be called forth by an act of will and intelligence rather than pushed forth by social pressures. This takes more out of you, sitting here this morning than was required of the immigrant boys.

You must call forth these energies, all of you, because today whether you will it or no, you are involved in a tremendous sociological struggle. You are entirely surrounded by this struggle. You bear the burden of all that has transpired over the past 20 years in the matter of civil rights and the cold war. The men who wage these struggles, both pro and contra, are old men, certainly old in comparison to you. Soon they will disappear, either into senility or into death and you will be left to contend pro-or contra all by yourselves. You will be the inheritors of what these men have done or what they have tried not to do. But this has always been the case. Every new generation inherits the follies and the courage of the previous one and makes of these its own fortune.

There are fellows on the platforms today who charge that we burden our children with a great debt to persevere in our contentions. But we are not evil nor should our children charge us for their inconvenience.

When the Congress passed the first of its anti-immigration bills, one of the arguments to which it harkened was that the Italians came to America and worked here for 10 or 15 years, saved every nickel, and departed then for home. Congressmen even gave President Woodrow Wilson a carefully documented survey of how many billions of dollars this cost America, money which left here and entered Italy. President Wilson read this document, then vetoed the bill, saying, "Yes, but they left us the subways, didn't they?"

One generation leaves another the subways, the highways, and new schools which a succeeding generation must pay for. And this is all to the good. It means there will be marvels we cannot dream of that children as yet unborn will some day take for granted. Once upon a time in the history of this country children and grandchildren had nothing to pay for. There was a time when President Rutherford B. Hayes was able to divvy up the Federal surplus with the States. Of course, these were the days when a skilled mechanic only commanded a dollar a day and the rich men could be counted on the fingers of one hand. There were Morgan, Rockefeller, and Carnegie, and you were indeed well informed if you knew Vanderbilt and Harriman were as rich. Today, you could not begin to count the men of great wealth in Charlotte, N.C., Indianapolis, Ind., let alone those who live in Houston, Tex., Larchmont, N.Y., and everywhere else in the land.

Though we are wishing you a huge debt we are also permitting you a tremendous chance for great wealth. And of course we wish on to you this great sociological struggle. And as you grow older you may even come to appreciate the dimensions this struggle not only gives America but the dimensions it gives you yourself. You will be lawyers, doctors, clergymen, professors, and salesmen and you will be this because of the classmates you met in this school, and in college, and the voices you heard and the language you heard spoken. Thus, this great struggle will actually make you. You may not admit or realize this, but it is true.

The Jews lived in the ghettos of Europe for 1,500 years and survived, but survived as an essentially parochial people, learned only in their religious books. Nothing happened to them until the ghetto walls came down and they passed for the first time freely into the outer world. Only then did they produce the Einsteins and the Heines and the Disraelis and the Cardozas and the Jonas Salks and Selman Waxman who discovered

the cure for tuberculosis, and hundreds of others I can name. In a way, these people became what they were because of the different ideas they both gave and received. Mind you, this was a century and a half ago. It is cruel and evil and unfair to deny others who are part of our society the chance all of us here in this auditorium have had. Some of you, I hope, will go on in life to chronicle this great social revolution. You will be writers, journalists, editors, and poets. No matter what claims your skills, you will perforce be aware of this struggle. You will be hopeful of exchanging your ideas to the mass of your fellow citizens.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bills and joint resolution of the Senate:

S. 51. An act to authorize the Secretary of Agriculture to relinquish to the State of Wyoming jurisdiction over those lands within the Medicine Bow National Forest known as the Pole Mountain District;

S. 1046. An act to provide hospital, domiciliary, and medical care for non-service-connected disabilities to recipients of the Medal of Honor;

S. 1363. An act to increase the participation by counties in revenues from the National Wildlife Refuge System by amending the act of June 15, 1935, relating to such participation, and for other purposes;

S. 2369. An act to retrocede to the State of Kansas exclusive jurisdiction over certain State highways bordering Fort Leavenworth Military Reservation and the U.S. penitentiary at Leavenworth;

S. 2419. An act to authorize the Secretary of the Interior to condemn certain property in the city of St. Augustine, Fla., within the boundary of the Castillo de San Marcos National Monument, and for other purposes; and

S.J. Res. 162. Joint resolution extending recognition to the International Exposition for southern California in the year 1968 and authorizing the President to issue a proclamation calling upon the several States of the Union and foreign countries to take part in the exposition.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. WILLIAMS of New Jersey. Mr. President, the State of New Jersey that I am so proud to have the opportunity to represent in the Senate is, I believe, one of the classic examples of the harsh effect of geographical selection for members of the State senate. We have the one county, one senator rule in our State. New Jersey is the most densely populated State in the Union. I believe it is the fourth or fifth smallest State geographically. Yet, we have a population approaching 7 million people.

It is a varying State, running from the magnificence of the dairy farms of northern Sussex County, Hunterdon, and Warren Counties, through the vast complex of metropolitan, central New Jersey, and on to that part of the State that is rural and agricultural. It produces some of the finest and best farm products of

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the Nation. Fruits and vegetables are grown there. Because of magnificence of our agriculture, New Jersey has been named the Garden State.

While I say such fine things about agriculture, I am reminded of reading some criticism of me in the Farm Bureau Journal. They consider that I am hostile to agriculture for some reason or other—all because of the migratory farm worker legislation that I am responsible for here in the Senate because of my chairmanship of the Migratory Labor Subcommittee.

I feel no hostility for the Farm Bureau Journal. But they certainly heaped abuse on me for my stand on the inequity of the amendment now before us, that would take from us our fundamental constitutional right of one person, one vote, and preserve us in the inequitable status quo that gives us a vote on the basis of geography. Our counties, as far as our voters are concerned, range from 3 or 4 counties where less than 20 percent of the people voted in the last gubernatorial election in 1961, to counties that are prepared now to vote almost 500,000 people. Disparity is obvious, indeed.

I believe that New Jersey is one State where less than 20 percent of the population can elect a majority of the State senate. The only opposition that has been sounded to my position in opposition to Senator DIRKSEN's proposal has come from the Farm Bureau. I am happily burdened with communications that urge my vote against the Dirksen proposal. Shortly, I shall review some of these opinions that have come to me. I believe they are important, for they are from voters in my State, many of whom speak for some of our most thoughtful civic groups and organizations, such as the League of Women Voters. I am sure there is not a Senator here who does not have a feeling of highest respect for the ladies of our country who gather themselves together for the highly important work of understanding and addressing themselves to public issues.

I shall call the honor roll of the League of Women Voters of the State of New Jersey, shortly. I shall place them in the RECORD, one by one, because I am proud, indeed, of them. Before I do so, I should like to analyze as best I can my opposition to the Dirksen amendment.

Dangerous as the present amendment is, it could be the prelude to even greater dangers. I think we all know that one of its major purposes is to win time in which to introduce in the next Congress a constitutional amendment that would deprive the U.S. Supreme Court and the Federal district courts of the right to review actions brought to correct malapportionment of State legislatures. If this move should ever succeed, we would be parties to a most destructive attack upon our judicial system.

The recent Supreme Court reapportionment decisions, to which this amendment is a hastily considered reaction, have been bitterly criticized in this chamber. We have been told they will lead to chaos. But I think those decisions are fresh evidence that our democracy works. They reaffirm the fact that orderly legal process can and does, sooner

or later, lead to the correction of evils. For, unsettling as the effects of those decisions may be, they do open the way to a long-needed correction of abuses.

Unequal representation in our State legislatures has long been an outrageous abridgement of democracy. If we do anything to interfere with the swiftest possible correction of such misrepresentation, we are guilty of a shameful and disgraceful act—one which places partisan political considerations above such fundamental American principles as majority rule and the equality of all citizens before the law.

This is not a partisan issue. The inequities struck down by the Supreme Court victimize all of us, regardless of party. I would remind this body that the Solicitor General's Office became involved in the historic case of Baker against Carr during the Republican administration of President Eisenhower and carried its work to a successful conclusion in the Democratic administration of President John F. Kennedy.

Two years before his election, the late President, speaking of unequal representation in State legislatures, said:

None of us, rural or urban, benefits in the long run from this situation. Our politics should not become a battle for power between town and country, between city-dweller and farmer. The principles at stake go much deeper than that. For whenever a large part of the population is denied its full and fair voice in Government, the only result can be frustration of progress, bitterness, and a diminution of the democratic ideal. Country and city are interdependent; conflict and discrimination cannot serve the interests of either.

Those are the words of our late great President.

The present Republican candidate for President of the United States, when asked if he approved of the Supreme Court's decision in Baker against Carr said "yes." Senator GOLDWATER then went on to make the following comment:

I think that is a function of the courts. They have probably waited too long. I think they should do it. When anything affects a Federal election, then the Federal Courts have the right (to exercise jurisdiction). They have every right to move further in, in my opinion.

That is a quotation from the distinguished candidate of the Republican Party. I would hope that all people from California to Maine would take heed. Perhaps we would not be seeking the advice of the Senator from Arizona [Mr. GOLDWATER] on many subjects, but on the present subject I find it very valuable.

When asked if he would favor the proposed constitutional amendment to prohibit Federal courts from exercising jurisdiction over State legislative apportionment cases, the Senator said, "I wouldn't be for that."

He has spoken in opposition on another occasion to the proposal that is embodied in the amendment that is before the Senate.

Regardless of one's personal or political stake in either eliminating or perpetuating malapportionment, fairness demands that we recognize the simple fact that unequal representation is un-

fair representation. This is the gist of what the Supreme Court did in its decisions of June 15. It concluded that:

As a basic constitutional standard, the equal protection clause requires that the seats in both houses of a bicameral State legislature must be apportioned on a population basis.

I think any American who approaches the issue objectively must agree with this doctrine of one vote for every citizen. I cite as an example of this a recent editorial in a rural newspaper, the Palladium-Times of Oswego, in up-State New York. The day following the Supreme Court ruling, the paper declared:

Unpleasant the thought may be that the sleazy liberal wastrels within New York City's Democratic organization could eventually control the State * * * it is hard to argue with the fundamental thesis the Supreme Court laid down—namely, that votes should be equally effective in terms of representation, no matter where in the State they may be cast. In all truth, they haven't been in the past.

As I said, that statement comes from a rural area of upstate New York. Their language in describing the city government of New York is reckless, but their conclusion in my judgment is sound, indeed.

But of course there are other issues involved here besides fair play. Proponents of this amendment and of the many bills before this Congress dealing with Federal review of State apportionment, present a number of arguments in support of their position. I would like to consider two that are frequently advanced. First, it is argued that it is logical and even desirable for one house of a State legislature to be apportioned on a basis other than population. It is argued further that even if it were not logical or desirable, the citizens of a State should have the right to establish by majority vote any scheme of apportionment they prefer.

Let us consider first the proposition that it is a good thing to permit the use of criteria other than population in apportioning the representation in at least one house of a bicameral State legislature. In theory it sounds reasonable enough. In practice, limiting apportionment on the basis of population to only one house would, in most States, result in little correction of unequal representation. For what would still remain would be a situation in which an adverse vote in either house would still be sufficient to block legislation. Overweighting the votes of any segment of the population gives that segment a virtual veto power over legislation. Equality in one house alone is not "half a loaf." It is scarcely more than a few crumbs.

This is particularly true when the issue is considered in terms of rural versus metropolitan areas. While it may be argued that fair representation of city and suburban majorities in one house gives them veto power, too, the fact is that on most substantive questions, whatever metropolitan legislators propose is generally opposed by their rural counterparts. The problems of our growing metropolitan areas generally require positive action. Such action re-

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quires majorities in both houses. But a majority in only one house is sufficient to sustain a negative position. This fact is well understood by the forces behind the various proposals advanced in this Congress for limiting judicial action on reapportionment. These forces and these proposals do not seek a middle ground between two extremes. They seek nothing less than the restoration of the status quo.

Actually, the proposal to permit one house to be apportioned on a basis other than population could lead to a situation that, in at least one respect, would be even worse than the status quo. Such a system would almost inevitably lead to a greatly increased number of politically "stalemated" State governments: situations in which it is difficult if not impossible for any point of view to win effective control of the State government.

We already have ample evidence from many States of the difficulties that result from such situations. Give one faction or one political party virtually permanent control of either house of a State legislature, and the other party, regardless of how often it wins the governorship or wins majorities in one house of the legislature, is never in a position to put its policies into effect.

My own State of New Jersey provides an excellent example of this kind of situation. There the State senate is set up on the basis of one member per county. Although the majority of New Jersey's counties are Republican, the State as a whole has voted Democratic more often than not in recent years. As a result, in spite of the fact that the State has had Democratic Governors for the last 12 years, the Governors have always had to deal with a legislature in which at least one house was controlled by the opposition. For 6 of those 12 years, the Governor's party held majorities in the lower house of the legislature, but the State senate has remained resistant to all changes of political fortune.

Other States have similar situations. In Michigan, such a situation almost brought the entire machinery of State government to a complete standstill a few years ago.

I was up there once when the very dynamic, progressive Governor, G. Mennen Williams puts before the legislature a very humane piece of legislation—dealing with the regular education of our friends on the farm, the migratory farm workers. The question was on approving a \$15,000 pilot project in education for children who would otherwise be out of school—and this was in the fall of the year when other children were in school. That legislature turned down that \$15,000 pilot program.

In New York, one party has held the Governorship and the other party has controlled at least one house of the legislature for more than half the time during the last 50 years.

Of course, such situations cut both ways, politically. In a number of border and Southwestern States, such as Maryland, Kentucky, Oklahoma, and Arizona, Republicans have won Governorships without winning majorities in any of the State legislatures.

It hardly seems logical or desirable to perpetuate these stalemates. In spite of that, those who support the idea of apportioning at least one house on a basis other than population, seek support for their view by drawing an analogy with the Federal Government and by arguing that such an apportionment is necessary in order to assure representation to sparsely populated areas. There are large fallacies in both of these arguments.

Yet I must say they must be analyzed, because the superficial reaction of so many to the Supreme Court decision was exactly that—comparing it with the Federal system. I should like to express my views of the latent fallacies therein.

The "Federal analogy" argument runs that because representation in one House of the Federal Legislature, the Senate, is based upon States and not population, one house of our bicameral State legislatures should logically be based upon counties, without regard to population. The trouble with the analogy is that the relationship between counties and State governments is neither historically nor functionally comparable to that between States and the Federal Government. The original States existed as sovereign units before the Federal Government existed. They voluntarily limited their sovereignty. Before they would agree to enter the Federal Union, the smaller States insisted on having equal representation in one House of the National Legislature. They were able to make conditions. Counties cannot make conditions. They are simply administrative units created by the States. The States can establish, subdivide, or liquidate them according to their convenience.

The State breathes the entire life into the county units of government, whereas at the outset of our country it was the States that breathed the entire life into the Federal Government and our Union of States.

In its recent decision in the Alabama reapportionment case the Supreme Court considered the Federal analogy argument and rejected it. Speaking for the majority, Chief Justice Earl Warren pronounced the Federal analogy "inapposite and irrelevant to State legislative districting schemes."

"Attempted reliance on the Federal analogy," he said:

Appears often to be little more than an after-the-fact rationalization offered in defense of maladjusted State apportionment arrangements. The original constitutions of 36 of our States provided that representation in both houses of the State legislature would be based completely, or predominantly, on population. And the Founding Fathers clearly had no intention of establishing a pattern or model for the apportionment of seats in State legislatures when the system of representation in the Federal Congress was adopted. Demonstrative of this is the fact that the Northwest Ordinance, adopted in the same year, 1787, as the Federal Constitution, provided for the apportionment of seats in territorial legislatures solely on the basis of population.

The Court went on to say, in a footnote, that:

Thomas Jefferson repeatedly denounced the inequality of representation provided for under the 1776 Virginia constitution and

frequently proposed changing the State constitution to provide that both houses be apportioned on the basis of population. In 1816 he wrote that "a government is republican in proportion as every member composing it has his equal voice in the direction of its concerns by representatives chosen by himself."

In further discussion of the historic origins of our federal system, the Supreme Court, in the same opinion, drew the very distinction between State and county that I have attempted to draw.

The Court observed:

Admittedly, the Original Thirteen States surrendered some of their sovereignty in agreeing to join together "to form a more perfect union." But at the heart of our constitutional system remains the concept of separate and distinct governmental entities which have delegated some, but not all, of their formerly held powers to the single National Government.

But—

Political subdivisions of States—counties, cities or whatever—never were and never have been considered as sovereign entities. Rather, they have been traditionally created by the State to assist in the carrying out of State governmental functions.

Just as specious as the "Federal analogy" argument is the contention that one house must be based on something other than population in order that sparsely populated sections of a State will be adequately represented. There is a great difference, however, between adequate representation and overrepresentation.

What we have in many of our States are legislatures in which sparsely populated areas tend to be overrepresented. No one wishes to deny these areas a voice in State government. But they tend to have the dominant voice.

So much for the logic and desirability of limiting population representation to one house in a State bicameral legislature.

A second proposition proponents of legislation such as this amendment often advance, is that even if the present systems result in overweighted representation of rural areas they should be permitted if a majority of a State's voters approve of them.

The trouble with this argument is that it would permit a majority, by approving a system that gave their votes an over-weighted value, to take away the voting rights of the minority of citizens that opposed such a legislative arrangement.

If a State adopted, by majority vote, a system in which each voter of certain racial and religious groups could cast five votes in subsequent elections and all other voters could cast only one, there would be little question that such a scheme is improper. Any action by a majority to lessen the value of the votes of any citizen is equally improper.

The present situation in most of our State legislatures is bad enough. The real danger of the present amendment is, as I have said, that it can make that situation worse. It can only fortify those interests in our States that thrive on keeping things as they are. We are in the midst of a summer full of incidents that demonstrate the gravity of our urban problems. There are cities in my State that offer vivid and terrifying ex-

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amples of the explosive forces that build up when we are unable to provide adequate housing, welfare, labor, and education programs for the frustrated thousands in our city slums.

How can we deal with those problems on a State level, in legislatures dominated by men who have no real conception of the terrible problems that confront our growing metropolitan areas?

It strikes me as ironic that the supporters of this amendment and of the bills that would bar the courts from reviewing State legislative apportionment cases, are often men who are ardent champions of States rights.

Nothing seems better calculated to undermine States rights than a series of proposals whose ultimate purpose is to make it more and more difficult for State legislatures to become responsive to the needs of all their citizens. The effect of this can only be to increase urban disillusion with State legislatures and incline millions of city dwellers to look to the Federal Government for help.

That is absolutely the case. We have seen many examples already. We have seen many mayors of our great cities come directly to Washington. They have given up on their State legislatures. In connection with the pending legislation we hear a minority say that the State should do all this. It is the same group and the same thinking that says, "No" to the urban area and their position on this apportionment. To be consistent, those who are deeply concerned with burgeoning Federal Government and diminishing State responsibilities should oppose the amendment before us.

I have a copy of a letter that has been sent to all of us in Congress, from the United States Conference of Mayors, signed by Raymond R. Tucker, president of the conference. Mr. Tucker is one of our greatest mayors. He is the mayor of the beautiful and really developing city of St. Louis. In part, he says:

The various proposals in Congress to destroy, deflect or delay the application of Supreme Court decisions in State legislative reapportionment issues are aimed at the very heart of our system of representative government.

The concern of every Member of the Congress should be toward the implementation of the mandate of the Supreme Court affirming for our State legislatures the basic one-man-one-vote principle.

The Supreme Court has acted to strengthen democracy in the United States, and every effort should be made toward early action by our State legislatures to redress malapportionment which has too long deprived our cities and towns of their fair share in the activities of State government.

Let us not act to perpetuate the old system, but let us add strength to the Federal system of government, in which strong State governments should be a key element. Nothing can better secure and enhance the position of the States in the Federal system than genuinely representative legislative bodies. Urban and metropolitan areas are where most of our population lives and this trend will continue. Proper representation of these areas is essential if we are adequately to cope with the problems of an urban society.

I urge the Congress to let the mandate of the Supreme Court be pursued. Let us not attempt to frustrate the constitutional process by which deprived citizens have at long last obtained affirmation by our last Court

of appeal that the one-man-one-vote doctrine is basic to our way of life.

No matter what the professed good intentions of their sponsors, the proposals in Congress are objectionable to the United States Conference of Mayors and to all citizens who have fought—as the conference has—for fair legislative representation, for federalism against centralism, for home rule.

To repeat messages which were sent by the conference's president on August 6 to majority and minority leaders of the Senate: "Urban citizens have too long suffered from malapportionment. Now that redress is at hand Congress should not attempt to prolong or perpetuate this discrimination."

These are the words of Mayor Tucker, of St. Louis. He makes the point that I was trying to make, and makes it much more strongly and with greater understanding, because this mayor has been on the battleline of local government for a long time. I do not know what the situation is in Missouri, at the State legislative level, but certainly Mayor Tucker has wrought miracles of beauty and development and growth in St. Louis.

What we need is not delay in legislative reform but greater speed. The need for such reform becomes increasingly imperative. Our cities are growing at such a rate, it is estimated that by 1975 at least 75 percent of our people will be living in urban areas. What we need to fear is not the "chaos" of the Supreme Court decision, which I think would be no more than transitory as States continued their programs of correcting malapportionment; but rather that chaos we may face if we are unable to deal, swiftly and fairly in our own States with the many dilemmas urbanization has brought us.

The reasoning behind the amendment is woefully shortsighted. Chalmers M. Roberts, in a recent article published in the Washington Post, pointed this out. I ask unanimous consent that the article be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WILLIAMS of New Jersey. Mr. Roberts points out that the move to keep our largely antiquated State legislative situation is a threat to the political power of the suburbs. And this, he says, is in the interest of neither party.

His article observes:

Republicans who fear one man, one vote for both houses say it would mean city (and therefore Democratic) domination of their States: Chicago and Cook County, for example, in Illinois. But that is based on a false reading of what is happening in this country.

In fact, the cities where populations are declining, with a few exceptions would be the losers along with rural areas under one-man-one-vote reapportionment. The gainers would be the suburbs. And the suburbs have not settled down, if they ever will, to any single party loyalty.

It is a fact that Dwight D. Eisenhower twice swept the suburbs in two presidential elections * * * but * * * they swung back close to political parity in the 1960 Kennedy-Nixon contest.

The suburbs have grown immense and are now becoming diverse; their residents tend to be more politically active in larger numbers than those in either city cores or rural

areas. Today they are the key swing areas in national elections and that is true for this year's presidential contest.

Hence, if one man, one vote prevails in State senates as well as in the lower houses of legislatures, the focus of State power will move rapidly to the suburbs and will increasingly flow there in decades to come.

This does not guarantee either Republican or Democratic control. But it should guarantee a better citizen participation in government. And it should guarantee control by those in both parties who want much more action on the seemingly endless problems of urban sprawl, from education to mass transportation, from police to preserving open spaces.

It is something of a paradox that * * * Republicans * * * who condemn the Federal Government for doing so much they believe should be left to the States, now would destroy the one great opportunity to make sure the States would indeed do their jobs.

Mr. Roberts is there making the point that was made earlier.

The considerations presented in this article are largely matters of self-interest for all of us in public life. I would hope, however, that when we each weigh within ourselves how to deal with this amendment, our conduct will be governed by what will best serve the country's interest. I think it is best served by rejecting an amendment that was hastily drawn, without benefit of hearings, and that can cause serious injury to our judicial system.

In the end, the possibility of such injury is the overriding issue. Fifteen prominent law school deans and professors saw this threat in the proposal to delay action in legislative apportionment cases and said so in a recent telegram to Senate leaders.

While they dealt with an earlier version of this amendment, their warning is still apropos.

The proposal, they said:

Entirely apart from the merits of the recent Supreme Court decisions on apportionment * * * unwisely and indeed dangerously threatens the integrity of our judicial process.

The effect of these proposals is not, as has sometimes been said, merely to limit the jurisdiction of the Federal courts. It is to declare by statute, without constitutional amendment, that for a period of time certain constitutional rights may not be vindicated in any court, State or Federal.

They saw the proposal as "a drastic interference with the power and duty of the State courts to enforce the Federal Constitution and of the Supreme Court to insure uniformity of interpretation."

The Supreme Court, itself, put the issue clearly in the congressional apportionment case of *Wesberry* against *Sanders*, decided earlier this year. It said:

The right to vote is too important in our free society to be stripped of judicial protection.

For all these reasons, I earnestly hope that this amendment will not be adopted.

Mr. President, I shall conclude by asking unanimous consent to have printed at this point in the RECORD what I call my honor roll of communications that I have received from the State of New Jersey. They include communications from many chairmen and presidents of

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civic organizations, such as the League of Women Voters. Because of the importance of these organizations in the public life of our country, they should be made a part of the RECORD.

I also ask unanimous consent to have printed in the RECORD communications from some other organizations, the purpose of whose existence is to preserve a high quality of public policy. These should be useful not only to me but to Senators from other States, who may benefit by some of the statements.

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

JERSEY CITY, N.J.,
August 10, 1964.

Senator HARRISON WILLIAMS,
Senate Office Building,
Washington, D.C.:

The New Jersey State conference, NAACP opposes the Dirksen proposal on reapportionment.

AUGUSTUS B. HARRISON,
President.

JOHN F. DAVIS,
Chairman Political Action.

TEANECK, N.J.,
August 7, 1964.

Hon. HARRISON A. WILLIAMS,
Senate Office Building,
Washington, D.C.:

The Teaneck League of Women Voters urges you to work for defeat of the apportionment rider on foreign aid bill.

Mrs. FENMORE BOOKMAN,
President.

MORRISTOWN, N.J.,
August 7, 1964.

Hon. HARRISON A. WILLIAMS, JR.,
Senate Office Building,
Washington, D.C.:

Strong urge defeat Dirksen rider Senate foreign aid authorization bill.

Mrs. ROBERT KLEIN,
League of Women Voters.

TENAFLY, N.J.,
August 7, 1964.

Hon. HARRISON A. WILLIAMS,
Senate Office Building,
Washington, D.C.:

The Tenafly League of Women Voters urges you to work for the defeat of the reapportionment rider on the foreign aid bill.

Mrs. H. E. KROOSS,
President.

SPRINGFIELD, N.J.,
August 7, 1964.

Senator HARRISON A. WILLIAMS, JR.,
Senate Office Building,
Washington, D.C.:

The League of Women Voters of Springfield, N.J. is opposed to the Dirksen rider to the foreign aid bill.

Very truly yours,

Mrs. S. BENO,
President.

WASHINGTON, D.C.,
August 4, 1964.

Hon. HARRISON A. WILLIAMS, JR.,
Senate Office Building,
Washington, D.C.:

Adoption of legislation at this time restricting power of Federal courts to order State legislative reapportionment, either by separate bill or by amendment to pending legislation, would be totally adverse to the best interests of the Nation. An issue of this importance requires careful consideration: by appropriate committees, and ample opportunity to express opinions ought to be granted to all interested citizens. On behalf of the Industrial Union Department of the AFL-CIO, I urge you to insure equality

of franchise by voting against reapportionment legislation during the remainder of the 88th Congress.

WALTER P. REUTHER,
President, Industrial Union Department
AFL-CIO.

SUMMIT, N.J.,
August 7, 1964.

Hon. HARRISON WILLIAMS,
Senate Office Building,
Washington, D.C.:

Summit, N.J., League of Women Voters reaffirms support of foreign aid bill, opposes reapportionment rider.

Mrs. ROBERT L. BUTTLE,
President.

MOORESTOWN, N.J.,
August 7, 1964.

Senator HARRISON WILLIAMS,
Senate Office Building,
Washington, D.C.:

Moorestown League of Women's Voters strongly opposes DIRKSEN's redistricting amendment to foreign aid bill.

MOORESTOWN LEAGUE OF
WOMEN VOTERS.

WESTFIELD, N.J., August 7, 1964.

Senator HARRISON WILLIAMS,
Senate Office Building,
Washington, D.C.:

Belleve reapportionment rider to foreign aid authorization jeopardizes whole program. We urge your strong opposition.

MARY LOUISE NUELSEN,
President, League of Women Voters of
New Jersey.

MURRAYHILL, N.J., August 7, 1964.

Senator HARRISON WILLIAMS,
Senate Office Building,
Washington, D.C.:

Urge defeat of reapportionment rider to foreign aid appropriation bill and support of foreign aid appropriation.

LEAGUE OF WOMEN VOTERS
OF NEW PROVIDENCE, N. J.

TRENTON, N.J., August 7, 1964.

Senator HARRISON WILLIAMS,
U.S. Senate, Washington, D.C.:

Your vote against Dirksen amendment urgent for New Jersey's future welfare.

SHEILA BERKELHAMMER,
President, League of Women Voters
of Ewing.

TRENTON, N.J., August 7, 1964.

Senator WILLIAMS,
Senate Office Building,
Washington, D.C.:

Urge defeat of amendment today.

LEAGUE OF WOMEN VOTERS
OF HOPEWELL VALLEY.

HIGHLAND PARK, N.J.,
August 7, 1964.

Hon. HARRISON A. WILLIAMS,
Senate Office Building,
Washington, D.C.:

We urge defeat of Dirksen rider to foreign aid authorization bill.

Mrs. ULRICH STRAUSS,
President, Highland Park League
Women Voters.

SUMMIT, N.J.,
August 7, 1964.

HARRISON A. WILLIAMS,
U.S. Senate,
Washington, D.C.:

Strongly urge opposition Dirksen amendment to foreign aid authorization bill. Apportionment unrelated to foreign aid and should be considered separately without endangering passage of needed aid authorization.

Mrs. JULIUS L. MALLOR,
President, Berkley Heights League
of Women Voters.

HILLSIDE, N.J.,

August 7, 1964.

Senator HARRISON A. WILLIAMS, JR.,
Senate Office Building,
Washington, D.C.:

Help defeat apportionment rider to aid bill. Aid should not be endangered Senate or House.

Mrs. S. P. OSTRIN,
President, League of Women Voters
of Newark.

ENGLEWOOD, N.J.,
August 7, 1964.

Senator HARRISON A. WILLIAMS,
Senate Office Building,
Washington, D.C.:

The Englewood LWV urges you defeat reapportionment rider to foreign aid authorization.

Mrs. MURRAY COHEN,
President.

WOODBURY, N.J.,
August 7, 1964.

Senator HARRISON A. WILLIAMS, JR.,
Senate Office Building,
Washington, D.C.:

The League of Women Voters of Woodbury urges you vote "no" on the Dirksen rider to the foreign aid authorization bill.

Mrs. NORTON D. WORTHINGTON,
President.

ASBURY PARK, N.J.,
August 7, 1964.

Hon. HARRISON A. WILLIAMS,
Senate Office Building,
Washington, D.C.:

Urge you to defeat the rider proposed by Senator DIRKSEN attached to the foreign aid authorization bill voted on today.

Mrs. HENRY A. SHULTZ,
President, League of Women Voters,
Asbury Park Region.

HADDONFIELD, N.J.,
August 7, 1964.

Hon. HARRISON WILLIAMS,
Senate Office Building,
Washington, D.C.:

League of Women Voters of Camden County strongly urges defeat of Dirksen rider on foreign aid authorization bill.

Mrs. SHERMAN C. WARD, JR.,
President.

CHATHAM, N.J.,
August 7, 1964.

HARRISON WILLIAMS,
Senate Office Building,
Washington, D.C.:

Reaffirm support of foreign aid bill; register strong opposition to Dirksen rider.

LEAGUE OF WOMEN VOTERS OF CHATHAM, N.J.

UPPER MONTCLAIR, N.J.,
August 7, 1964.

Hon. HARRISON WILLIAMS, JR.,
Senate Office Building,
Washington, D.C.:

The Montclair League of Women Voters strongly urges vote against reapportionment rider to foreign aid bill.

Mrs. NORMAN E. WOLDMAN,
Foreign Policy Chairman, League of
Womens Voters.

WASHINGTON, D.C.,
August 4, 1964.

Hon. HARRISON A. WILLIAMS,
U.S. Senate,
Washington, D.C.:

Any attempt to forestall State legislative reapportionment in accord with Federal court decisions by congressional act during this session of Congress would be unconscionable. An issue of this importance should receive full consideration by appropriate committees, with ample opportunity for all interested persons to be heard.

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CONGRESSIONAL RECORD — SENATE

August 17

AFL-CIO executive council yesterday unanimously stated: "We call upon the Congress, in its wise understanding of the American government, to reject all efforts to diminish or dilute the true processes of democracy in this country, and to stand firm for the principle of one man, one vote."

AFL-CIO therefore urges you to oppose any attempt to pass reapportionment legislation during the remaining weeks of this session of Congress.

ANDREW J. BIEMILLER,
Director, Department of Legislation,
AFL-CIO.

PRINCETON, N.J.,
August 7, 1964.

Senator HARRISON A. WILLIAMS, Jr.,
Washington, D.C.:

Urge defeat of Dirksen amendment to foreign aid bill could cause defeat of entire measure.

MR. A. J. FENTON, Jr.,
President, League of Women Voters,
Princeton.

WASHINGTON, D.C.,
August 6, 1964.

Hon. HARRISON A. WILLIAMS, Jr.,
Senate Office Building,
Washington, D.C.:

We express strong protest against the Senate Judiciary Committee's effort to frustrate plans to make State legislatures more representative of the voting population. Many of the same Senators who were responsible for the long drawn out anticivil rights filibuster are now proposing that Senator DIRKSEN's bill to halt reapportionment be considered as a rider to must legislation. We respectfully urge that you oppose the Dirksen move. By so doing you will permit the matter of legislative reapportionment to be considered in an orderly manner through the courts and the regular procedures of Congress.

CLARENCE MITCHELL,
Director, Washington Bureau NAACP.

NEWARK, N.J.,
August 7, 1964.

Senator HARRISON A. WILLIAMS,
Senate Office Building,
Washington, D.C.:

Urge you strongly oppose Dirksen rider delaying reapportionment. Don't delay one man one vote principle.

SAM ZITTER,
Americans for Democratic Action.

WASHINGTON, D.C.,
August 5, 1964.

Hon. HARRISON A. WILLIAMS, Jr.,
Senate Office Building,
Washington, D.C.:

Urge you vote against Dirksen bill S. 3069 staying court proceedings in State legislative reapportionment suits the bill is not only unwise and discriminatory but also unconstitutional such precipitous action with no hearings one day after introduction is not legislation but panic.

LAWRENCE SPEISER,
Director, Washington Office American
Civil Liberties Union.

WASHINGTON, D.C.,
August 10, 1964.

HARRISON A. WILLIAMS,
U.S. Senate,
Washington, D.C.:

Strongly urge you vigorously oppose Dirksen rider or any other statutory effort to counter reapportionment. It is incredible that Senate would consider without committee hearings and only week after introduction bill which would do untold damage to constitutional system.

Reapportionment issue simply consists of question whether vote of one American citizen is equal to that of another American citizen. We believe "one man, one vote"

rule must be preserved for sake of American democracy even if it causes inconvenience to some State legislators or some special interests.

THOMAS J. LLOYD,
President.

PATRICK E. GORMAN,
Secretary-Treasurer.
Amalgamated Meat Cutters and Butcher Workmen (AFL-CIO).

NEW YORK, N.Y.,
August 11, 1964.

Senator HARRISON A. WILLIAMS,
Senate Office Building,
Washington, D.C.:

Urge you to oppose Dirksen rider to Foreign Aid Bill for long and drawn out delay in implementing recent Supreme Court decision on apportionment in State legislatures. The proposed rider threatens fundamental individual rights and would also destroy the traditional concepts of the separation of powers. Such a proposal deserves proper hearings and adequate debate and certainly ought not to be handled as "a rider" on a vital piece of major legislation.

DAVID DUBINSKY,
President, International Ladies' Garment
Workers' Union.

AMERICAN ASSOCIATION OF
UNIVERSITY WOMEN,
Washington, D.C., August 7, 1964.

Hon. HARRISON A. WILLIAMS, Jr.,
U.S. Senate,
Washington, D.C.:

DEAR SENATOR WILLIAMS: We have read in the press of Senator DIRKSEN's intent to add a rider to the Foreign Assistance Act authorization bill, S. 2658. We believe such a rider would be likely to influence votes on the foreign assistance bill to its detriment. The American Association of University Women has this year, as in the past, supported this legislation as a vital instrument of U.S. foreign policy in carrying on economic and social assistance programs to promote conditions favorable to democracy, security, and peace throughout the world.

We urge Senate approval of the authorization recommended by the Foreign Relations Committee and appropriation of the full amount authorized. In our opinion, this "bare bones" request for next year's program should not suffer further reduction.

We oppose the Dirksen rider for several reasons: First, that it could harm the AID legislation; second, that the rider on reapportionment is not germane to S. 2658. We also firmly believe that such a serious matter as representation and reapportionment, so long overdue in many States, should be discussed on its own merits rather than as a rider to an unrelated and important piece of legislation.

In addition to our opposition to the addition of DIRKSEN's rider, we also wish to express our sincere hope that any further amendments to S. 2658 which would complicate the implementation of the AID program can be avoided.

Respectfully,
Mrs. GEORGE C. HAHN,
Chairman, Legislative Program Committee.
Dr. ALONA E. EVANS,
Area Representative, World Problems.

CLIFTON, N.J.,
August 10, 1964.

Hon. HARRISON A. WILLIAMS, Jr.,
Senate Office Building,
Washington, D.C.:

MY DEAR SIR: I am resolute in my opposition of Senator DIRKSEN's rider to the foreign appropriations bill which I understand is a moratorium on reapportionment.

I will appreciate it if you would advise as to what your position would be with regard to the moratorium rider on reapportionment by Senator DIRKSEN.

Thank you very much for your kind consideration of my inquiries in the past.

Respectfully,
M. HAROLD NADLER.

MAPLEWOOD, N.J.

DEAR MR. SENATOR: I urge you to vote against the proposed rider to the foreign aid bill which would restrict the jurisdiction of the Supreme Court in redistricting cases. Such a curtailment would be an unfortunate precedent which would open the way for other attempts to limit the Court's absolute jurisdiction over all questions arising under the Constitution.

ROBERT D. JOFFE.

NEW BRUNSWICK, N.J.,
August 13, 1964.

Hon. HARRISON WILLIAMS,
Senate Office Building,
Washington, D.C.:

DEAR SIR: Strongly urge that you vote against any Dirksen rider to the foreign aid bill which would delay effectuation of the Supreme Court decision on redistricting. The rider is undemocratic and unfair to the great majority of the American people.

DONALD M. RIPPET.

HACKENSACK, N.J.,
August 12, 1964.

Senator HARRISON WILLIAMS,
Senate Office Building,
Washington, D.C.:

On behalf of myself and a group of interested citizens I want to register our opposition and disapproval of the S. 369 amendment (rider amendment) to foreign aid authorization bill which would jeopardize this legislation and injure U.S. foreign policy commitments.

Mrs. G. GREENBERG,
Cochairman, Public Affairs Study Group,
Teaneck Chapter Evening Division,
Council of Jewish Women.

WASHINGTON, D.C.,
August 13, 1964.

Hon. HARRISON A. WILLIAMS, Jr.,
Senate Office Building,
Washington, D.C.:

Pending proposal to stay Court orders affecting reapportionment of State legislatures is derogatory of U.S. Constitution which provides for separation of powers between branches of Federal Government. It is unthinkable that the Congress should deem a suspension of constitutional rights to be in the public interest, as this amendment specifically states. The Senate is considering this revolutionary proposal without any hearings whatsoever. The most elementary considerations of due process require that interested citizens be granted an opportunity to present their views to the appropriate committee. AFL-CIO Executive Council is unanimously on record opposing any legislative interference with the judicial branch. Therefore I strongly urge you to vote against any such proposal and to exert every effort to assure adequate hearings on this highly important question.

ANDREW J. BIEMILLER,
Director, Department
of Legislation, AFL-CIO.

NEWARK, N.J.,
August 13, 1964.

Senator HARRISON WILLIAMS,
U.S. Senate, Washington, D.C.:

DEAR MR. WILLIAMS: I am a resident of Essex County. My vote for a State senator is about one-nineteenth as effective as that of my counterpart in Cape May. Relief has been granted me by the Supreme Court. Please defend my right to equal suffrage by stopping Mr. DIRKSEN's ill-advised redistricting bill.

Yours truly,
R. B. TRAUIG, D.D.S.

1964

CONGRESSIONAL RECORD — SENATE

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PARSIPPANY, N.J.,

August 12, 1964.

DEAR SENATOR WILLIAMS: I am writing to you relative to the districting amendment to the foreign aid bill, proposed by Senator DIRKSEN.

Please be advised that we are unalterably opposed to such an amendment, and even though we favor the foreign aid bill we would rather see its defeat than to see it used as a vehicle for the passage of such an amendment, that is so repulsive to the liberties and rights of all Americans.

Yours very truly,

Mr. and Mrs. J. LOUGHLIN.

PATERSON, N.J.,

August 13, 1964.

Senator HARRISON A. WILLIAMS, Jr.,

U.S. Senate,

Washington, D.C.:

Please vote against all measures to delay or prohibit Court-directed reapportionment. Thank you.

ANN GARDNER SCHAAM.

WASHINGTON, D.C.,

August 13, 1964.

Hon. HARRISON A. WILLIAMS, Jr.,

Senate Office Building,

Washington, D.C.:

We urge you to vote against new "compromise" proposal for holding up reapportionment of State legislatures. Produced without hearing in secret conferences unrepresentative of any broad range of Senate views, it still amounts to congressional interference with judicial process. The whole matter deserves a great deal more consideration than it can be given this late in the session. We urge you not to be stampeded into acting hastily.

WALTER P. REUTHER,

President, Industrial Union Department, AFL-CIO.

LEONIA, N.J.,

August 13, 1964.

Senator HARRISON WILLIAMS,

Washington, D.C.:

Urge your vote against redistricting amendment to foreign aid bill. If amendment passes please vote against bill. Fully realize importance foreign aid but we must not relinquish possible only chance to obtain proper representation State legislatures for any other goal.

E. J. ROLLINS.

LINDEN, N.J.,

August 14, 1964.

Senator HARRISON WILLIAMS,

Senate Office Building,

Washington, D.C.:

Central Parkway Section, National Council Jewish Women urge opposition to S. 3069 rider amendment tacked on to foreign aid authorization bill.

Mrs. HAL MILOVSKY,

Chairman, Public Affairs Committee.

EXHIBIT 1

[From the Washington Post, Aug. 11, 1964]

BLOCKING OF REAPPORTIONMENT: DIRKSEN

MOVE SEEN AS SHORTSIGHTED

(By Chalmers M. Roberts)

The political power of America's phenomenal suburbs, the fastest growing areas of the United States, is being threatened because Senator EVERETT DIRKSEN, the Illinois Republican, is worried about the fate of his own GOP-dominated State senate.

Some observers, both Republican and Democratic, figure that DIRKSEN has embarked on a very shortsighted move, strictly from the GOP political point of view. Certainly the issue he has created in these closing days of the 88th Congress is one of the most impor-

tant in decades, affecting as it does nearly all the States of the Union.

Illinois State Senate reapportionment is now before a district court under a June 22 order that the State act in line with the highest Court's earlier one-man, one-vote ruling for both houses of State legislatures.

DELAY DRAWS SUPPORT

This means that next year (but not before next November's election) the State will have to alter the Illinois Senate's composition so that population alone and not the open spaces of DIRKSEN's own downstate area will be the determining factor.

DIRKSEN has found a lot of allies in both Senate and House for his proposal. He would force the district courts to delay the Supreme Court mandate in his and other States until it can be voided entirely by a new constitutional amendment. The amendment he has in mind would allow one house of a legislature to continue to be based on those open spaces with, in many cases, dwindling population.

Such a constitutional amendment, if it could be quickly passed by Congress next year, conceivably could win sufficient State legislative ratifications in the next 2 years to end all hopes of one man, one vote for both houses of legislatures. The effect would be to perpetuate rural domination of at least one house in almost all the States.

PRESSURE FROM HOME

The pressures on DIRKSEN and others in Congress today are coming, Members say, from affected politicians back home. Naturally they don't relish being put out of office by reapportionment. Naturally, too, they could be counted on to ratify an amendment saving their jobs. It is not a matter of political science but of political survival.

Such an amendment, a lot of people reason, would assure continuation of rural Republican power in many States, for generations a major GOP power base.

But is that really in the interest of the Republican Party? An effective argument can be made to the contrary.

Republicans who fear one-man-one-vote for both houses often say it would mean city (and therefore Democratic) domination of their States: Chicago and Cook County, for example, in Illinois. But this is based on a false reading of what is happening in this country.

SUBURBS KEY AREAS

In fact, the cities where populations are declining, with a few exceptions, would be the losers along with rural areas under one-man-one-vote reapportionment. The gainers would be the suburbs. And the suburbs have not settled down, if they ever will, to any single party loyalty.

It is a fact that Dwight D. Eisenhower twice swept the suburbs in two presidential elections, with few exceptions, but that they swung back close to political parity in the 1960 Kennedy-Nixon contest.

The suburbs have grown immense and are now becoming diverse; their residents tend to be more politically active in larger numbers than those in either city cores or rural areas. Today they are the key swing areas in national elections and that is true for this year's presidential contest.

Hence, if one man, one vote prevails in State senates as well as in the lower houses of legislatures, the focus of State power will move rapidly to the suburbs and will increasingly flow there in decades to come.

PARADOXICAL MOVE

This does not guarantee either Republican or Democratic control. But it should guarantee a better citizen participation in government. And it should guarantee control by those in both parties who want much more action on the seemingly endless prob-

lems of urban sprawl, from education to mass transportation, from police to preserving open spaces.

It is something of a paradox that such Republicans as DIRKSEN, who condemn the Federal Government for doing so much they believe should be left to the States, now would destroy the one great opportunity to make sure the States would indeed do their jobs.

Those in the legislatures from both the rural areas and the city cores have generally been far too reluctant to do much for the suburbs.

The critical question now before the Senate thus is whether it will let the Supreme Court mandate stand and give the suburbs the tool by which to manage their own affairs in modern fashions or whether the Senate will follow DIRKSEN and force the suburbs to count on Washington alone for help.

Mr. WILLIAMS of New Jersey. Mr. President, there is much more that could be said on this issue. However, I understand that some other legislative business is to be transacted at this hour. For that reason, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call may be rescinded.

The PRESIDING OFFICER (Mr. EDMONDSON in the chair). Without objection, it is so ordered.

A JAPANESE-AMERICAN SUCCESS STORY

Mr. GRUENING. Mr. President, a true life story that illustrates many things was published in the July 31 issue of Medical World News.

It exemplifies the value of the GI bill of rights, whose 20th anniversary revealed a record of great benefits to mankind.

It exemplifies how a nation's error can be rectified. I refer to the tragically mistaken policy, during World War II, of moving our citizens of Japanese origin from the Pacific Coast into internment camps.

It exemplifies how that wartime error was indirectly compensated for in the later and better treatment of these victims of war hysteria.

It exemplifies how one of these victims took advantage of the opportunities afforded by Uncle Sam, and developed a useful career in medicine, beneficial to his profession, his patients, his adopted city—Juneau, the capital of Alaska—and to the 49th State.

This is the story of Dr. Henry I. Akiyama.

I ask unanimous consent to have this article printed at this point in the RECORD. The article is entitled "Nisei M.D. Thanks GI Bill of Rights"; the subtitle is "Alaskan Is One of 86,000 Doctors Trained Under Historic Law, Now 20 Years Old."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

19234

CONGRESSIONAL RECORD — SENATE

August 17

NISEI M.D. THANKS GI BILL OF RIGHTS
ALASKAN IS ONE OF 86,000 DOCTORS TRAINED UNDER HISTORIC LAW, NOW 20 YEARS OLD

Under the GI bill of rights, the Government pays for the tuition, books, fees, and similar authorized costs for eligible veterans seeking higher education. More than 7.8 million World War II veterans—including 86,000 M.D.'s—have received some part of their college and graduate training through the program.

Many physicians who owe their M.D. degree to the GI bill last month noted the 20th anniversary of the historic law with quiet gratitude. But few could respond with as much thanks as Japanese-American Dr. Henry I. Akiyama, city health officer in Juneau, Alaska, and president of the State board of medical examiners. Dr. Akiyama was once a prisoner of the United States.

Early in 1942, he and his parents were taken from their home in Hood River, Oreg., and placed in the Tule Lake Internment Camp for Japanese in California. Several months later, Dr. Akiyama and his family were transferred to the Minidoka Relocation Center, which was in Idaho.

The Juneau internist discusses his years in U.S. internment camps without any trace of bitterness. "As far as I'm concerned, that's all in the past," he says. "Uncle Sam has been good to me ever since."

In 1945, Akiyama was released from the center to join the Army. As a member of the famed Nisei 442d Infantry Regiment, he was assigned to occupation duty in Italy and honorably discharged 2 years later. Using his education rights under the GI bill to attend Reed College in Portland, Oreg., he received a B.S. degree. He went on to the University of Oregon Medical School, graduated in 1957, and then spent his internship and residency at St. Vincent's Hospital in Portland.

Dr. Akiyama estimates that the GI bill underwrote about 50 percent of the cost of his higher education. "To pay for the rest, I had to take a lot of odd jobs," he recalls. "I always had at least two. I was a janitor, a grocery clerk, and for a time I strung badminton rackets for a sporting goods store."

Dr. Akiyama originally had planned to join a clinic in Oregon after his residency there. But Dr. James A. Wilson, a friend who practices in Ketchikan, Alaska, recommended him to the Juneau Medical Clinic. Dr. Akiyama made the trip to the north country, liked what he saw, and made the decision to settle down there with his wife and two children.

"Alaska presented a challenge," he explains. "The motto of the Alaska Centennial Committee is also my motto. 'North to the Future' was what I had in mind when I brought my family here."

Practicing internal medicine in Juneau is particularly rewarding, says Dr. Akiyama, because Alaska is desperately short of specialists. For this reason, he feels that Alaskan MD's with qualified specialty training carry a greater responsibility than their counterparts in built-up metropolitan areas.

He notes that Alaska is no longer a frontier settlement, at least from a medical viewpoint. "Here in Juneau, we have the same up-to-date equipment from anywhere, including the latest diagnostic and X-ray apparatus. Our diseases also are the same as those found in other States—the usual heart, ulcer, and lung problems."

Modern air travel now makes it possible to take medical aid to Alaskan areas that formerly were inaccessible, points out Dr. Akiyama. When a citizen in an outlying district becomes ill, an SOS is transmitted by radio and a plane is immediately dispatched to transport the patient to a medical center.

Dr. Akiyama was elected president of the Alaska Board of Medical Examiners in April 1963. At 37, he is also vice president of the

medical staff at St. Ann's Hospital. One of his most vocal admirers is Juneau's Mayor Lauris Parker, who says that the transplanted Oregonian "is a welcome addition to our city. As health officer—besides his clinic work—he recently cooperated with State authorities in conducting a food-handler's school, which I'm sure will prove invaluable in upgrading the health standards of Juneau restaurants."

Adds the mayor: "Dr. Akiyama has served us well."

BOREN CLAY PRODUCTS CO.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 665, H.R. 4766.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 4766) for the relief of the Boren Clay Products Co.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ERVIN. Mr. President, this bill was called up on a call of the calendar, and objection was made. I understand now that the objection has been withdrawn. I therefore ask unanimous consent that a statement in the form of a letter addressed to the Senator from North Carolina [Mr. JORDAN] from the accountant of the Boren Clay Products Co. may be printed in the Record to show the basis of the claim.

There being no objection, the letter was ordered to be printed in the Record, as follows:

A. M. PULLEN & Co.
CERTIFIED PUBLIC ACCOUNTANTS,
Greensboro, N.C., December 31, 1963.
In re bill S. 985 for the relief of Boren Clay Products Co.
Senator B. E. JORDAN,
c/o Sellers Manufacturing Co.,
Saxapahaw, N.C.

DEAR SENATOR JORDAN: This is written following your conversation with Mr. Perrin to provide you with a brief summary of the events that have resulted in the application for the special remedial legislation provided in bill S. 985.

Percentage depletion applicable to the brick and tile industry was first claimed by Boren Clay Products Co. for its fiscal year ended March 31, 1952 on the basis of 5 percent of the sales price of the finished brick. At this time the Internal Revenue Service insisted that this 5 percent must be applied only to the proportionate part of the sales price that would be allocated to the processed clay, which would represent about 20 to 25 percent of the total sales price. Accordingly, Boren Clay Products Co. was dealt with on this basis upon an examination of this issue in the field and the percentage depletion claimed on its returns was reduced to approximately 20 to 25 percent of the amount taken as a deduction thereon. The corporation paid the income tax on this basis for the fiscal years 1952, 1953, 1954, and 1955 and filed claims to be used as a foundation for refund suits.

The basis for the claim was the provision of the statute that the percentage depletion was to be applied to the amount received for the "commercially marketable mineral product or products," which in the case of the brick and tile industry was considered to

be the brick itself when finally completed. Thirty or 40 courts of competent jurisdiction, both Federal district and appellate, had ruled in favor of the taxpayer on this point and called for the computation of percentage depletion in the brick and tile industry on the basis of the full sales price of the finished brick. All of these cases held that the brick was the first marketable mineral product, the sales price of which, according to the Internal Revenue Code, should be used in making the percentage depletion calculation. One of the key cases in establishing this principle was that of Merry Brothers Brick and Tile Co. No single court ever ruled against the taxpayer in the brick and tile industry on this issue.

After a very lengthy and unsuccessful period of litigation, the Internal Revenue Service appealed the brick and tile percentage depletion cases to the Supreme Court, and the Supreme Court refused to grant certiorari. The Internal Revenue Service then on October 18, 1957, issued Technical Information Release 62. This release stated that the Internal Revenue Service intended to dispose of its pending litigation and claims as required under the Merry Brothers and related decisions (these cases requiring the computation of percentage depletion on the basis of the finished brick price), and would conform Treasury regulations and outstanding rulings accordingly. The ruling said that "This should permit the expeditious disposition of a great majority of such cases."

For a number of months thereafter, the Internal Revenue Service was processing and allowing claims on this basis. Claims of Boren Clay Products Co. were examined and the full allowances proposed. The refund was not made, however, because the Internal Revenue Service insisted on holding up the disposition of these cases because of a totally unrelated issue involving depreciation in later years. This depreciation issue arose in the fiscal year 1956 and extended through subsequent years. No income tax deficiency was paid on this percentage depletion issue for the years following the fiscal year 1955, but this question was held open for these later years pending the settlement of the depreciation issue. Acting in reliance upon the representations contained in Technical Information Release 62, Boren Clay Products Co. refrained from pressing its suit and considered that the Service would honor its announced policy, making allowance on the basis of the full sales price in accordance with the Merry Brothers decision and the other numerous cases in point.

The case of the Cannellon Sewer Pipe Co. arose in a later year. This dealt with a manufacturer in the field of fire clay where there was an extensive market for raw material of this nature and the rate for computing percentage depletion was 15 percent instead of 5 percent as the rate applies in the brick and tile industry. Certiorari was granted by the Supreme Court in this case, but not until December 1959, more than 2 years after the issuance of Technical Release No. 62, upon which the taxpayer was relying. During this period of more than 2 years, Boren Clay Products Co. refund was held up because of an unrelated issue. Suits had been filed in the Federal district court for the years ended March 31, 1952, and March 31, 1953, because the claims of the taxpayer for these years had been rejected and notice of the rejection had been issued by registered mail, making it mandatory that these suits be filed if consideration of the claims was to be given. These suits are still being held in abeyance.

The decision of the Supreme Court in the case of the Cannellon Sewer Pipe Company was handed down in June 1960. There is serious doubt concerning its applicability to the brick and tile industry; however, acting upon its interpretation of certain language